

Message Text

PAGE 01 STATE 202237

70

ORIGIN OES-02

INFO OCT-01 IO-02 ISO-00 /005 R

66011

DRAFTED BY: OES/OFA/FA:LMNAKATSU:SMD

APPROVED BY: OES/OFA/FA:LMNAKATSU

----- 073174

P 210030Z AUG 76

FM SECSTATE WASHDC

TO USMISSION USUN NEW YORK PRIORITY

C O N F I D E N T I A L STATE 202237

USUN FOR AMB CLINGAN, US DEL, LOS

FOLLOWING REPEAT STATE 202337 ACTION SEOUL INFO TOKYO
TAIPEI 14 AUGUST 76.

QUOTE

C O N F I D E N T I A L STATE 202337

E.O. 11652: GDS

TAGS:EFIS, KS

SUBJECT: US/KOREA FISHERIES NEGOTIATIONS

SUMMARY: DISCUSSIONS WITH ROKG ON GOVERNING INTERNATIONAL
FISHERIES AGREEMENT WERE CONCLUDED 12 AUGUST. SUBSTANTIAL
PROGRESS WAS MADE, WITH AGREEMENT BEING REACHED ON PREAMBLE
AND ON 13 OF 16 ARTICLES. BOTH PARTIES AGREED TO SEEK TO
RESOLVE REMAINING ISSUES THROUGH NORMAL DIPLOMATIC
CHANNELS. END SUMMARY.

1. NEGOTIATIONS COMMENCED AUGUST 5 AND WERE EXTENDED BY
ONE DAY, TO AUGUST 12 IN ATTEMPT TO REACH AGREEMENT ON AS
MANY ARTICLES AS POSSIBLE AND TO CLOSE GAP ON REMAINING
ISSUES. KOREAN SIDE INITIALLY BEGAN TALKS BY SUGGESTING
NUMEROUS MAJOR CHANGES IN TEXT OF DRAFT GIFA, BUT AFTER
CONFIDENTIAL

PAGE 02 STATE 202237

DETAILED EXPLANATION OF U.S. VIEWS AGREED, BUT NOT WITHOUT
NEGOTIATING TENACIOUSLY, TO RETENTION OF MOST OF
ORIGINAL LANGUAGE IN U.S. DRAFT.

2. THROUGHOUT DISCUSSIONS, KOREANS STRESSED IMPORTANCE OF FISH AS SOURCE OF ANIMAL PROTEIN IN THEIR DIET, THEIR PAST COOPERATION IN FISHERIES, KOREA'S ADHERENCE TO EXISTING BILATERAL AGREEMENT, AND NEED FOR HAVING CONTINUED

ACCESS TO RESOURCES IN U.S. CONSERVATION ZONE. THEY ALSO MADE FREQUENT REFERENCES TO INCONSISTENCY BETWEEN U.S. POSITION AND U.S. LAW, UNILATERAL NATURE OF U.S. PROPOSALS, AND LACK OF RECIPROCITY IN AGREEMENT. WHILE ACKNOWLEDGING KOREAN VIEWS, U.S. DEL RESPONSE KEYED ESSENTIALLY TO WHICH IS EXPLICIT AND RESTRICTIVE REQUIREMENTS OF U.S. 200-MILE LAW.

3. KOREAN SIDE PUSHED ESPECIALLY HARD FOR RECOGNITION OF KOREAN DEPENDENCE ON FISH, PARTICULARLY POLLOCK, AS A SOURCE OF ANIMAL PROTEIN, AND SOUGHT TO INCLUDE LANGUAGE GIVING RECOGNITION TO THIS IN PREAMBLE AND AS ONE OF ALLOCATION CRITERIA IN ARTICLE 4. U.S. DEL AGREED TO INCLUDE SUCH RECOGNITION IN AGREED MINUTES.

4. AGREEMENT HAS BEEN REACHED ON PREAMBLE AND 13 OF 16 ARTICLES. PREAMBULAR LANGUAGE WAS ADDED RECOGNIZING CLOSE COOPERATION IN DEVELOPMENT OF FISHERIES RELATIONS WITHIN FRAMEWORK OF THE EXISTING AGREEMENT. OTHER AGREED ARTICLES FOR MOST PART REMAIN SUBSTANTIALLY THE SAME AS IN U.S. DRAFT, AND WHERE CHANGED INCLUDE SUBSTANCE OF ORIGINAL U.S. PROPOSALS.

5. TWO ANNEXES ARE INCLUDED AS INTEGRAL PART OF AGREEMENT, ANNEX I DESCRIBES PERMIT APPLICATION PROCEDURES AND ANNEX 2 SCIENTIFIC DATA REQUIREMENTS.

6. IN ORDER TO RESPOND TO KOREAN CONCERN, BOTH SIDES AGREED TO AGREED MINUTES WHICH INCLUDE REFERENCES TO IMPORTANCE OF FISH IN DIET OF KOREANS, ENFORCEMENT, LOADING ZONES AND TO DATA COLLECTION.

CONFIDENTIAL

PAGE 03 STATE 202237

7. LANGUAGE ON ALL OUTSTANDING ISSUES HAS BEEN BRACKETED. WE HOPE TO RESOLVE THESE ISSUES THROUGH DIPLOMATIC CORRESPONDENCE. A FEW WORDS IN ARTICLE 4 HAVE BEEN BRACKETED BUT ARE NOT CONSIDERED TO BE A MATTER OF MAJOR SUBSTANCE AND SHOULD EASILY BE RESOLVED. ARTICLES VIII (5) AND ARTICLE X (1) PRESENT GREATEST PROBLEMS; KOREAN REPRESENTATIVE INDICATED HE WOULD NOT BE ABLE TO AGREE TO THESE U.S. PROPOSALS AND WOULD HAVE TO REFER THEM TO HIS GOVERNMENT. THESE TWO PARAGRAPHS ALSO ARE OF MAJOR IMPORTANCE TO U.S. AND WE MUST MAINTAIN THEM.

8. ARTICLE VIII (5) REQUIRES THAT ROK TAKE ALL MEASURES TO ENSURE PROMPT AND ADEQUATE COMPENSATION OF U.S.

CITIZENS FOR ANY LOSS OF OR DAMAGE TO OUR FISHING VESSELS
OR GEAR, ETC., WHILE ENGAGED IN FISHING IN U.S. ZONE.

KOREANS STATED THIS IS A UNILATERAL MEASURE AND WANTED
LANGUAGE CHANGED AND MADE INTO A SEPARATE PARAGRAPH UNDER
SAME ARTICLE WHEREBY ELEMENT OF RECIPROCITY WOULD BE
INTRODUCED, THAT IS BOTH GOVERNMENTS WOULD MAKE SIMILAR
ASSURANCES. U.S. RECOGNIZES LOGIC OF KOREAN VIEW, BUT
U.S. LAW DOES NOT PERMIT US TO OFFER SAME ASSURANCES WE
REQUIRING OF KOREANS. NEITHER CAN WE AGREE TO REMOVAL
OF THIS LANGUAGE.

9. ARTICLE X(1) IS KEY ENFORCEMENT PROVISION WHICH MUST
BE EXPLICITLY AGREED TO, SPELLING OUT U.S. AUTHORITY TO
ENFORCE U.S. LAWS IN 200-MILE ZONE AND PROVIDING FOR
APPROPRIATE PENALTIES ON FISHING VESSELS OF KOREA THAT
VIOLATE AGREEMENT. KOREAN DEL STATED THIS RIGHT
OBVIOUSLY IMPLICITLY AGREED TO WHEN THEY WOULD SIGN
AGREEMENT, AND IT WAS THEREFORE UNNECESSARY TO INCLUDE IN
AGREEMENT, FURTHERMORE, THEY COULD NOT EXPLICITLY RECOGNIZE
OUR ENFORCEMENT AUTHORITY. ACCORDINGLY, THE KOREAN REP-
RESENTATIVE STATED HE WOULD NOT BE ABLE TO ACCEPT ARTICLE
AND MUST SEEK GUIDANCE FROM HIS GOVERNMENT.

10. IT WAS AGREED THAT WE WOULD ATTEMPT TO RESOLVE OUT-
STANDING ISSUES BY DIPLOMATIC CORRESPONDENCE. FOR
THIS PURPOSE, DEPARTMENT WILL SEND TO POST SEPTTEL FULL
TEXT OF AGREEMENT, INCLUDING ANNEXES AND AGREED MINUTES
CONFIDENTIAL

PAGE 04 STATE 202237

EARLY NEXT WEEK, AND WILL BRACKET ALL OUTSTANDING ISSUES.
WE HAVE ALSO AGREED THAT TEXT AND DETAILS OF NEGOTIATIONS
WILL BE HELD CONFIDENTIAL FOR THE PRESENT.

11. PRESS GUIDANCE: BOTH SIDES AGREED THAT WE SHOULD
EMPHASIZE POSITIVE NATURE OF DISCUSSIONS, THAT AGREEMENT
ON MAJOR PARTS HAVE BEEN REACHED BUT THERE STILL
REMAIN A FEW OUTSTANDING ISSUES WHICH WE HOPE TO RESOLVE
SOON THROUGH DIPLOMATIC CORESPONDENCE. ROBINSON UNQUOTE
KISSINGER

CONFIDENTIAL

<< END OF DOCUMENT >>

Message Attributes

Automatic Decaptioning: X
Capture Date: 15 SEP 1999
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: INTERNATIONAL ORGANIZATIONS, MEMBER ADMISSIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 21 AUG 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: BoyleJA
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976STATE202237
Document Source: ADS
Document Unique ID: 00
Drafter: OES/OFA/FA:LMNAKATSU:SMD
Enclosure: n/a
Executive Order: 11652 GDS
Errors: n/a
Film Number: D760312-0951
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t197608103/baaaepui.tel
Line Count: 153
Locator: TEXT ON-LINE, TEXT ON MICROFILM
Office: ORIGIN EA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: BoyleJA
Review Comment: n/a
Review Content Flags:
Review Date: 19 MAY 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <19 MAY 2004 by greeneet>; APPROVED <23 SEP 2004 by BoyleJA>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: US/KOREA FISHERIES NEGOTIATIONS
TAGS: ETEL, PORG, CH, TW, INTELSAT
To: USUN N Y
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006